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Luzerne County Board of Elections

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**DONALD J. TRUMP FOR
PRESIDENT, INC., et al.,**

Plaintiffs,

v.

KATHY BOOCKVAR, et al.,

Defendants.

Civil Action No. 2:20-cv-966-NR

JUDGE J. NICHOLAS RANJAN

**DEFENDANT LUZERNE COUNTY BOARD OF ELECTIONS'
APPENDIX OF EXHIBITS IN SUPPORT OF ITS
MOTION FOR SUMMARY JUDGMENT**

TABLE OF CONTENTS

Exhibit 1 – Deposition of David Parsnik

Respectfully submitted:

s/ Regina M. Blewitt

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DATED: October 3, 2020

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing Appendix of Exhibit(s) in Support of its Motion for Summary Judgment was filed electronically and served via the Court's CM/ECF system, pursuant to the Federal Rules of Civil Procedure.

s/ Regina M. Blewitt
Regina M. Blewitt

DATED: October 3, 2020

EXHIBIT 1

NETWORK DEPOSITION SERVICES **Transcript of David Parsnik 30 (b) (6)**

2 (Pages 2 to 5)

Page 2	Page 4
<p>1 APPEARANCES VIA VIDEO CONFERENCE:</p> <p>2 On behalf of the Plaintiffs:</p> <p>3 Porter Wright:</p> <p>4 Carolyn McGee, Esquire</p> <p>5 Six PPG Place, Third Floor</p> <p>6 Pittsburgh, Pennsylvania 15222</p> <p>7 cmcgee@porterwright.com</p> <p>8 On behalf of Bucks, Chester, Montgomery, and</p> <p>9 Philadelphia County Boards of Elections:</p> <p>10 Hangley Aronchick Segal Pudlin & Schiller:</p> <p>11 Michele Hangley, Esquire</p> <p>12 Robert Wiygul, Esquire</p> <p>13 One Logan Square, 27th Floor</p> <p>14 Philadelphia, Pennsylvania 19103</p> <p>15 mhangley@hangley.com</p> <p>16 On behalf of Luzerne County Board of Elections:</p> <p>17 Joyce, Carmody & Moran:</p> <p>18 Larry Moran, Esquire</p> <p>19 Regina M. Blewitt, Esquire</p> <p>20 9 N. Main Street, Suite 4</p> <p>21 Pittston, Pennsylvania 18640</p> <p>22 ljm@joycecarmody.com</p> <p>23 rmb@joycecarmody.com</p> <p>24 ---</p> <p>25</p>	<p>1 APPEARANCES VIA VIDEO CONFERENCE CONTINUED:</p> <p>2 On behalf of Intervenor-Defendants NAACP</p> <p>3 Pennsylvania State Conference, Common Cause of</p> <p>4 Pennsylvania, the League of Women Voters,</p> <p>5 Patricia M. DeMarco, Danielle Graham Robinson,</p> <p>6 and Kathleen Wise:</p> <p>7 WilmerHale:</p> <p>8 Samantha Picans, Esquire</p> <p>9 1225 Seventeenth Street, Suite 2600</p> <p>10 Denver, Colorado 80202</p> <p>11 sam.picans@wilmerhale.com</p> <p>12 On behalf of Intervenor Pennsylvania Democratic</p> <p>13 Party, Nilofer Nina Ahmad, Danilo Burgos, Austin</p> <p>14 Davis, Dwight Evans, Isabella Fitzgerald, Edward</p> <p>15 Gainey, Manuel M. Guzman, Jr., Jordan A. Harris,</p> <p>16 Arthur Haywood, Malcolm Kenyatta, Patty H. Kim,</p> <p>17 Stephen Kinsey, Peter Schweyer, Sharif Street,</p> <p>18 and Anthony H. Williams:</p> <p>19 Greenberg Traurig:</p> <p>20 George Farrell, Esquire</p> <p>21 1717 Arch Street, Suite 400</p> <p>22 Philadelphia, Pennsylvania 19103</p> <p>23 farrellg@gtlaw.com</p> <p>24 On behalf of Intervenor Michael Crossey, Dwayne</p> <p>25 Thomas, Irvin Weinreich, Brenda Weinreich, and</p> <p>the Pennsylvania Alliance for Retired Americans:</p> <p>Perkins Coie:</p> <p>Jacob Shelly, Esquire</p> <p>700 13th Street, N.W., Suite 800</p> <p>Washington, D.C. 20005</p> <p>jshelly@perkinscoie.com</p> <p>---</p>
Page 3	Page 5
<p>1 APPEARANCES VIA VIDEO CONFERENCE CONTINUED:</p> <p>2 On behalf of Secretary of State Boockvar:</p> <p>3 Pennsylvania Office of Attorney General:</p> <p>4 Nicole Boland, Esquire</p> <p>5 Deputy Attorney General</p> <p>6 Civil Litigation Section</p> <p>7 Strawberry Square, 15th Floor</p> <p>8 Harrisburg, Pennsylvania 17120</p> <p>9 nboland@attorneygeneral.gov</p> <p>10 On behalf of Kathy Boockvar:</p> <p>11 Kirkland & Ellis:</p> <p>12 Kristen Bokhan, Esquire</p> <p>13 1301 Pennsylvania Avenue, N.W.</p> <p>14 Washington, D.C. 20004</p> <p>15 kristen.bokhan@kirkland.com</p> <p>16 On behalf of Secretary of State Boockvar:</p> <p>17 Myers Brier & Kelly:</p> <p>18 Daniel T. Brier, Esquire</p> <p>19 John Dempsey, Esquire</p> <p>20 Suite 200, 425 Spruce Street</p> <p>21 Scranton, Pennsylvania 18503</p> <p>22 dbrier@mbklaw.com</p> <p>23 jdempsey@mbklaw.com</p> <p>24 On behalf of Washington County Board of</p> <p>25 Elections:</p> <p>Swartz Campbell:</p> <p>Ryan Joyce, Esquire</p> <p>436 7th Avenue, Floors 7 and 8</p> <p>Pittsburgh, Pennsylvania 15219</p> <p>rjoyce@swartzcampbell.com</p> <p>---</p>	<p>1 APPEARANCES VIA VIDEO CONFERENCE CONTINUED:</p> <p>2 On behalf of Intervenor Citizens for</p> <p>3 Pennsylvania's Future and the Sierra Club:</p> <p>4 Quinn Emanuel:</p> <p>5 John Chun, Esquire</p> <p>6 Jonathan Oblak, Esquire</p> <p>7 51 Madison Avenue, 22nd Floor</p> <p>8 New York, New York 10010</p> <p>9 johnchun@quinnemanuel.com</p> <p>10 jonoblak@quinnemanuel.com</p> <p>11 On behalf of Allegheny County Board of</p> <p>12 Elections:</p> <p>13 Opsitnick & Associates:</p> <p>14 Allan Opsitnick, Esquire</p> <p>15 564 Forbes Avenue, Suite 1301</p> <p>16 Pittsburgh, Pennsylvania 15219</p> <p>17 aopsitnick@opsitnickslaw.com</p> <p>18 On behalf of the Election Boards of Armstrong,</p> <p>19 Bedford, Blair, Centre, Columbia, Dauphin,</p> <p>20 Fayette, Huntingdon, Indiana, Lackawanna,</p> <p>21 Lawrence, Lebanon, Montour, Northumberland,</p> <p>22 Venango, and York Counties:</p> <p>23 Babst Calland:</p> <p>24 Sean R. Keegan, Esquire</p> <p>25 Two Gateway Center</p> <p>Pittsburgh, Pennsylvania 15222</p> <p>skeegan@babstcalland.com</p> <p>---</p>

NETWORK DEPOSITION SERVICES **Transcript of David Parsnik 30 (b) (6)**

3 (Pages 6 to 9)

Page 6	Page 8
<p>1 APPEARANCES VIA VIDEO CONFERENCE CONTINUED:</p> <p>2 On behalf of Delaware County Board of Elections:</p> <p>3 Ballard Spahr:</p> <p>4 Elizabeth Wingfield, Esquire</p> <p>5 1735 Market Street, 51st Floor 19103</p> <p>6 Philadelphia, Pennsylvania</p> <p>7 wingfelde@ballardspahr.com</p> <p>8 ALSO PRESENT:</p> <p>9 Raymond Urbash, Videographer</p> <p>10 ---</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 VIDEOGRAPHER: We are now on the record.</p> <p>2 Good morning.</p> <p>3 The date today is September 28th, 2020.</p> <p>4 And the time is, approximately, 11:03 a.m.</p> <p>5 This is the videotape deposition of David</p> <p>6 Parsnik taken in the matter of Donald J. Trump</p> <p>7 for President, Incorporated, et al. versus Kathy</p> <p>8 Boockvar, et al., filed in the United States</p> <p>9 District Court for the Western District of</p> <p>10 Pennsylvania.</p> <p>11 Civil action No. 2:20-CV-966-RN.</p> <p>12 My name is Raymond Urbash. I will be the</p> <p>13 videographer.</p> <p>14 Our court reporter today is Lance</p> <p>15 Hannaford.</p> <p>16 The appearances will appear on the</p> <p>17 stenographic record.</p> <p>18 So if our court reporter will swear in the</p> <p>19 witness, we can proceed.</p> <p>20 ---</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 7	Page 9
<p>1 I-N-D-E-X</p> <p>2 EXAMINATION BY: PAGE:</p> <p>3 Ms. McGee 9, 69</p> <p>4 Mr. Moran 58</p> <p>5 Mr. Oblak 58</p> <p>6</p> <p>7 EXHIBIT: MARKED:</p> <p>8 Exhibit 1 - Notice of Deposition 11</p> <p>9 Exhibit 2 - 5-1-20 letter 20</p> <p>10 Exhibit 3 - 8-19-20 guidance 34</p> <p>11 Exhibit 4 - 9-11-20 guidance 35</p> <p>12 Exhibit 5 - 9-28-20 guidance 45</p> <p>13 Exhibit 6 - 9-24-20 statement 52</p> <p>14</p> <p>15 ---</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 DAVID PARSNIK</p> <p>2 Called as a witness by the plaintiffs, having been</p> <p>3 first duly sworn, as hereinafter certified, was</p> <p>4 deposed and said as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MS. MCGEE:</p> <p>7 Q Good morning, Mr. Parsnik.</p> <p>8 My name is Carolyn McGee. I am in my</p> <p>9 office in Pittsburgh. I'm with the law firm of Porter</p> <p>10 Wright.</p> <p>11 I'm one of the lawyers who represent the</p> <p>12 plaintiffs in the case we are here for today. And we</p> <p>13 are here today to take the rule 30(b)(6) deposition of</p> <p>14 the Luzerne County board of elections.</p> <p>15 Aside from yourself, Mr. Parsnik, and</p> <p>16 Mr. Moran, is there anybody else in the room with you</p> <p>17 today?</p> <p>18 MS. BLEWITT: Yes. Regina Blewitt of Joyce</p> <p>19 Carmody Moran.</p> <p>20 Q Thank you.</p> <p>21 Is there anybody else, or is that it?</p> <p>22 MS. BLEWITT: That's it.</p> <p>23 Q Mr. Parsnik, please state your full name</p> <p>24 for the record?</p> <p>25 A David Richard Parsnik.</p>

NETWORK DEPOSITION SERVICES
Transcript of David Parsnik 30 (b) (6)

4 (Pages 10 to 13)

<p style="text-align: right;">Page 10</p> <p>1 Q And how are you currently employed, sir?</p> <p>2 A I am employed by Luzerne County as director</p> <p>3 of administrative services.</p> <p>4 Q How long have you held the position of</p> <p>5 director of administrative services?</p> <p>6 A Since 2014.</p> <p>7 Q How did you come to hold that position?</p> <p>8 A I was originally hired in the county as</p> <p>9 director of security. I then received a position of</p> <p>10 director of 911. And I applied for the open position</p> <p>11 in 2014 for director of administrative services. And</p> <p>12 I was hired into that position.</p> <p>13 Q And as director of administrative services,</p> <p>14 what are your job duties? What are you responsible</p> <p>15 for?</p> <p>16 A So I have the daily operational and fiscal</p> <p>17 responsibilities for eight departments. It involves</p> <p>18 about 40 employees. And about 30 million dollars in</p> <p>19 budget.</p> <p>20 Q And what are the eight departments you</p> <p>21 oversee?</p> <p>22 A I oversee elections, HR, IT, purchasing,</p> <p>23 licensing, mapping, development, and convention and</p> <p>24 visitor center.</p> <p>25 Is that eight or nine?</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. MORAN: Okay.</p> <p>2 VIDEOGRAPHER: I can give everyone access</p> <p>3 to exhibits shared in a shared folder, like we</p> <p>4 did for the last depositions, if that is what</p> <p>5 everyone wants.</p> <p>6 MR. MORAN: That is what I would like,</p> <p>7 please.</p> <p>8 VIDEOGRAPHER: I will need about 30</p> <p>9 seconds, once the exhibit is put down, to put</p> <p>10 everything into that folder that we are going to</p> <p>11 use and give you guys.</p> <p>12 If you look in the chat, a link has been</p> <p>13 shared. Exhibit 1 has been uploaded into that</p> <p>14 folder.</p> <p>15 MR. MORAN: Has that been emailed to us?</p> <p>16 VIDEOGRAPHER: I put a link to the folder</p> <p>17 in the chat. If you just click on that link, it</p> <p>18 will take you right to the folder.</p> <p>19 MS. McGEE: Ray, you are not sharing my</p> <p>20 shared folder, are you?</p> <p>21 VIDEOGRAPHER: No. I made a separate</p> <p>22 folder. I am moving in the exhibits that you</p> <p>23 call up.</p> <p>24 (Discussion off the record.)</p> <p>25 Q Mr. Parsnik, have you seen -- and Ray, if</p>
<p style="text-align: right;">Page 11</p> <p>1 Q Is there anybody above you in the chain of</p> <p>2 command, if you will, as it pertains to elections? Or</p> <p>3 is it fair to say that you are the top election</p> <p>4 official for Luzerne County?</p> <p>5 A So I report to the county manager. I am</p> <p>6 not the top election official in Luzerne County.</p> <p>7 Q Who would that person be?</p> <p>8 A I would have to say --</p> <p>9 MR. MORAN: Object to the form. Go ahead.</p> <p>10 A Since we are a home rule charter, I report</p> <p>11 to the county manager. That is who I report to. So I</p> <p>12 would take direction from the county manager.</p> <p>13 Q Have you been designated today to testify</p> <p>14 as your county's representative for the purposes of</p> <p>15 the rule 30(b)(6) notice?</p> <p>16 A Yes.</p> <p>17 Q Ray, if you would pull up what I had put in</p> <p>18 my shared folder as C1. We will mark this as Exhibit</p> <p>19 1.</p> <p>20 (Thereupon, Exhibit No. 1 was marked for</p> <p>21 identification.)</p> <p>22 Q If you would just --</p> <p>23 MR. MORAN: Carolyn, have you circulated</p> <p>24 that folder? Do we have access to it?</p> <p>25 MS. McGEE: No. It is my shared folder.</p>	<p style="text-align: right;">Page 13</p> <p>1 you could scroll through a little bit.</p> <p>2 Have you seen this document before that we</p> <p>3 marked Exhibit 1? This is the notice of deposition</p> <p>4 directed to Luzerne County board of elections pursuant</p> <p>5 to rule 30(b)(6).</p> <p>6 A Yes.</p> <p>7 I also believe this has been amended.</p> <p>8 Q Yes. There have been certain narrowing</p> <p>9 and/or withdrawing of topics. But my question to you</p> <p>10 is have you seen and reviewed this notice before</p> <p>11 today?</p> <p>12 A Yes.</p> <p>13 Q As director of administrative services,</p> <p>14 which includes the election department for your</p> <p>15 county, are you in charge of all of the activities</p> <p>16 surrounding your county's administration of elections?</p> <p>17 A I have an elections director that performs</p> <p>18 that task for me.</p> <p>19 Q Who is your election director?</p> <p>20 A Shelly Watchilla.</p> <p>21 Q How do you spell her last name?</p> <p>22 A W-A-T-C-H-I-L-L-A.</p> <p>23 Q Are you her supervisor?</p> <p>24 A I am.</p> <p>25 Q Okay.</p>

NETWORK DEPOSITION SERVICES
Transcript of David Parsnik 30 (b) (6)

5 (Pages 14 to 17)

<p style="text-align: right;">Page 14</p> <p>1 As part of your responsibilities, are you</p> <p>2 required to know how elections are to be conducted</p> <p>3 within your county?</p> <p>4 A Yes.</p> <p>5 Q So is it fair to say, when legislation is</p> <p>6 passed concerning Pennsylvania's election code, do you</p> <p>7 make yourself familiar with that legislation?</p> <p>8 MR. MORAN: Object to the form. Go ahead.</p> <p>9 Q You can answer the question, Mr. Parsnik.</p> <p>10 A I do make myself familiar as much as I can</p> <p>11 to the legislation, yes.</p> <p>12 Q Would you agree with me your county board</p> <p>13 of elections is charged with jurisdiction over the</p> <p>14 conduct of the primary and general elections conducted</p> <p>15 in your county?</p> <p>16 A Yes.</p> <p>17 Q Would you also agree with me in conducting</p> <p>18 the elections in your county, you are required to</p> <p>19 follow the election code?</p> <p>20 A Yes.</p> <p>21 Q In that vein, is it true the Department of</p> <p>22 State often times issues guidances or instructions to</p> <p>23 counties, including your county, with regard to the</p> <p>24 administration of elections?</p> <p>25 MR. MORAN: Object to the form.</p>	<p style="text-align: right;">Page 16</p> <p>1 election?</p> <p>2 A It depends on the size of the polling</p> <p>3 location.</p> <p>4 Q Are you able to give me a general number, a</p> <p>5 top number of poll workers your county is going to</p> <p>6 need?</p> <p>7 A We will probably have close to 1,000.</p> <p>8 Q Now, you say you will probably have close</p> <p>9 to 1,000. Is that a sufficient number? I guess my</p> <p>10 question will be for prior general elections has that</p> <p>11 number been more than that?</p> <p>12 A No. That is a sufficient number to conduct</p> <p>13 an election.</p> <p>14 Q Have you secured 1,000 poll workers, have</p> <p>15 you signed up that many poll workers so far?</p> <p>16 A Not at this point.</p> <p>17 Q How many have you signed up at this point?</p> <p>18 A I am not sure of that.</p> <p>19 Q You don't know that number sitting here</p> <p>20 today?</p> <p>21 A I do not.</p> <p>22 Q Do you know who would know that number?</p> <p>23 A We can get that from my elections director.</p> <p>24 Q Do you expect to fulfill the total number</p> <p>25 of 1,000 poll workers?</p>
<p style="text-align: right;">Page 15</p> <p>1 A They issue guidelines. Yes.</p> <p>2 MS. McGEE: Ray, you can take down that</p> <p>3 exhibit.</p> <p>4 Q Mr. Parsnik, how many voting precincts or</p> <p>5 district election boards are in your county?</p> <p>6 A There are 144 precincts.</p> <p>7 Q As of the primary election on June 2nd,</p> <p>8 2020, I believe that you had 211,276 registered voters</p> <p>9 in your county.</p> <p>10 Does that sound correct?</p> <p>11 A Yes. Pretty much.</p> <p>12 Q Sitting here today, do you know if that</p> <p>13 number has changed at all since the primary election?</p> <p>14 A Yes. I believe it went to 214,000.</p> <p>15 Q How many polling locations for in-person</p> <p>16 voting do you plan to have open in your county for the</p> <p>17 general election?</p> <p>18 MR. MORAN: Object to the form.</p> <p>19 A Want to repeat the question again?</p> <p>20 Q How many polling locations for in-person</p> <p>21 voting does Luzerne County plan to have open for the</p> <p>22 general election?</p> <p>23 A We will have about 186 of them.</p> <p>24 Q And for those polling locations, how many</p> <p>25 poll workers will your county require for the general</p>	<p style="text-align: right;">Page 17</p> <p>1 A I expect to fulfill the amount of poll</p> <p>2 workers needed to complete the election. Yes.</p> <p>3 Q You expect to fulfill 1,000 poll workers,</p> <p>4 correct?</p> <p>5 MR. MORAN: Object to the form. He doesn't</p> <p>6 know if they are going to need 1,000. That has</p> <p>7 been the uppermost needed in past elections.</p> <p>8 They are going to do their best --</p> <p>9 MS. McGEE: Your objection is noted. He</p> <p>10 answered they need 1,000 poll workers for this</p> <p>11 election.</p> <p>12 My question is does he expect to have 1,000</p> <p>13 workers?</p> <p>14 MR. MORAN: He estimated that number.</p> <p>15 MS. McGEE: I'm sorry. You spoke over me.</p> <p>16 So I didn't hear that.</p> <p>17 MR. MORAN: He estimated 1,000.</p> <p>18 MS. McGEE: He didn't say he estimated. I</p> <p>19 would please ask that you stop coaching the</p> <p>20 witness by this. He said they need 1,000</p> <p>21 workers.</p> <p>22 My question is do they expect to have 1,000</p> <p>23 workers signed up by November 3rd.</p> <p>24 A I do not need 1,000. I have had upwards of</p> <p>25 1,000 people during elections to work as poll workers.</p>

NETWORK DEPOSITION SERVICES
Transcript of David Parsnik 30 (b) (6)

6 (Pages 18 to 21)

<p style="text-align: right;">Page 18</p> <p>1 We get as many poll workers as we can to conduct the</p> <p>2 election. We don't specify a complete number.</p> <p>3 Q So is it fair to say your county may not</p> <p>4 have 1,000 workers by November 3rd?</p> <p>5 A If 1,000 workers are not required or</p> <p>6 needed, yes.</p> <p>7 Q When does your county intend to start</p> <p>8 sending out mail-in or absentee ballots, or have they</p> <p>9 already started sending out those ballots?</p> <p>10 A We intend to start sending out those</p> <p>11 ballots October 5th is our goal right now.</p> <p>12 Q So you have not started sending them out</p> <p>13 yet.</p> <p>14 Correct?</p> <p>15 A That's correct.</p> <p>16 Q Okay.</p> <p>17 When you mail out your absentee and mail-in</p> <p>18 ballots are you providing any instructions with those</p> <p>19 ballots on how to return them?</p> <p>20 MR. MORAN: Object to the form.</p> <p>21 Q You can answer the question.</p> <p>22 A So the instructions provided on the mail-in</p> <p>23 ballots and the absentee ballots are provided to the</p> <p>24 voter as in how to complete the ballot and how to send</p> <p>25 the ballot back.</p>	<p style="text-align: right;">Page 20</p> <p>1 county?</p> <p>2 MR. MORAN: Object to the form. Relevance.</p> <p>3 A So the county manager sent a correspondence</p> <p>4 out pertaining to that in the primary election.</p> <p>5 MS. McGEE: Ray, would you pull up what I</p> <p>6 have in the shared folder as C2, please? This</p> <p>7 will be Exhibit 2.</p> <p>8 (Thereupon, Exhibit No. 2 was marked for</p> <p>9 identification.)</p> <p>10 Q Mr. Parsnik, is this the correspondence</p> <p>11 that you -- take a moment, first, to take a look at</p> <p>12 this document.</p> <p>13 Ray, if you could scroll to the second and</p> <p>14 third pages.</p> <p>15 Is this the correspondence that you just</p> <p>16 referenced as your county manager having sent out for</p> <p>17 the primary election?</p> <p>18 MR. MORAN: Object to the form.</p> <p>19 A So the letter from the county manager is</p> <p>20 the correspondence that went out.</p> <p>21 Q Like the primary, for the general election,</p> <p>22 did your county manager or anyone else in your</p> <p>23 county -- did the county send out applications to</p> <p>24 every registered voter?</p> <p>25 A We did not.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q And how are you instructing them to send</p> <p>2 the ballot back?</p> <p>3 A There is a communication on three envelopes</p> <p>4 that are contained. You have the outer envelope.</p> <p>5 Then you have the envelope with the declaration. Then</p> <p>6 you have the secrecy envelope.</p> <p>7 And they are instructed to place the</p> <p>8 ballots into the secrecy envelope. And then place the</p> <p>9 completed secrecy envelope into the ballot, fill out</p> <p>10 the declaration, and return it to us.</p> <p>11 Q And what specific method of return are you</p> <p>12 instructing them on how to get their ballot back to</p> <p>13 the county board of election?</p> <p>14 MR. MORAN: Object to form.</p> <p>15 Q Are you telling them where they can drop it</p> <p>16 off?</p> <p>17 A So they can put it in the mail, or they can</p> <p>18 drop it off at the election bureau.</p> <p>19 Q How many applications has your county</p> <p>20 received for absentee and mail-in ballots for the</p> <p>21 general election?</p> <p>22 A I am not sure of the total amount. I know</p> <p>23 at the primary amount we had about 54,000 on record.</p> <p>24 Q For the primary election isn't it true you</p> <p>25 sent an application to every registered voter in your</p>	<p style="text-align: right;">Page 21</p> <p>1 Q Sitting here today, do you know how many</p> <p>2 applications the county has received for absentee and</p> <p>3 mail-in voting for the November 3rd election?</p> <p>4 A I do not.</p> <p>5 Q Do you know who would know that</p> <p>6 information?</p> <p>7 A That would be my elections director.</p> <p>8 Q So given that, is it fair to say you don't</p> <p>9 know how many applications have been processed or</p> <p>10 approved?</p> <p>11 A I can only tell you what I previously</p> <p>12 testified to in the primary, there were 54,000 that we</p> <p>13 had.</p> <p>14 Q So my question is for the general election</p> <p>15 in November, do you know how many applications have</p> <p>16 been processed and/or approved?</p> <p>17 A I do not at this point.</p> <p>18 MS. McGEE: Ray, if you could go to page 2</p> <p>19 of Exhibit 2.</p> <p>20 Q Mr. Parsnik, on this page, there are three,</p> <p>21 quote, "dropoff locations" listed that I believe your</p> <p>22 county utilized for the primary election.</p> <p>23 My question to you is taking a look at</p> <p>24 these three locations, the Hazleton post office, the</p> <p>25 Wilkes-Barre post office, and Penn Place, a drop box</p>

NETWORK DEPOSITION SERVICES
Transcript of David Parsnik 30 (b) (6)

7 (Pages 22 to 25)

<p style="text-align: right;">Page 22</p> <p>1 ballot at lockbox location.</p> <p>2 My question is will these be the same three</p> <p>3 locations where ballots can be delivered for the</p> <p>4 general election? Or will it be different?</p> <p>5 MR. MORAN: Objection to the form.</p> <p>6 A They will be the same three locations.</p> <p>7 Q The Penn Place location, is that a ballot</p> <p>8 drop box?</p> <p>9 A In place is a physical location of our</p> <p>10 election office.</p> <p>11 Q At your election office is there a ballot</p> <p>12 drop box for the return of absentee and mail-in</p> <p>13 ballots?</p> <p>14 A There is.</p> <p>15 Q So is it fair to say your county will only</p> <p>16 have one drop box for the general election?</p> <p>17 MR. MORAN: Objection to the form. He</p> <p>18 didn't call it a drop box.</p> <p>19 A I don't know what you are defining as a</p> <p>20 drop box. But a physical location that we have for</p> <p>21 elections to drop off ballots would be at the 20 North</p> <p>22 Pennsylvania Avenue address.</p> <p>23 Q And that is the address where voters take</p> <p>24 their ballot and drop it off over the counter, or do</p> <p>25 they put it in a box, a receptacle themselves?</p>	<p style="text-align: right;">Page 24</p> <p>1 process to bar code or postmark, whatever postage is</p> <p>2 on it. Instead of sending it to the sorter racks to</p> <p>3 be distributed to the postal carriers, they leave it</p> <p>4 in a plastic mail bin for us to pick up.</p> <p>5 Q This dropoff ballot box at the Penn Place,</p> <p>6 20 North Pennsylvania Avenue, you said that that is at</p> <p>7 your election office?</p> <p>8 A Yes.</p> <p>9 Q Where is that box in a physical location to</p> <p>10 the counter of your election office? Is it in sight</p> <p>11 of the counter, or is it around the corner? That is</p> <p>12 what I am trying to get at.</p> <p>13 A No. It is directly in front of the</p> <p>14 counter.</p> <p>15 So let me clarify as well. So we have --</p> <p>16 when we had the COVID issue, and we were not letting</p> <p>17 any traffic into the office, the drop box is down at</p> <p>18 the security sheriff's counter at Penn Place. I</p> <p>19 believe the plan for the general is going to move it</p> <p>20 back up to the elections office counter.</p> <p>21 Q I'm sorry, why was it moved down to where</p> <p>22 the sheriffs are?</p> <p>23 A Because of COVID. We were not letting the</p> <p>24 public into our buildings.</p> <p>25 Q Okay.</p>
<p style="text-align: right;">Page 23</p> <p>1 A They put it in a receptacle themselves.</p> <p>2 Q Would you agree with me that that is a drop</p> <p>3 box or a box that a person could drop their ballots?</p> <p>4 A Yes.</p> <p>5 Q So given that testimony, will you only have</p> <p>6 one drop box for the general election?</p> <p>7 A The other two locations are post offices</p> <p>8 where the postal service receives ballots from</p> <p>9 residents, that walk in, over the counter.</p> <p>10 And then they do whatever they need to do</p> <p>11 to process those through the mail system. And they</p> <p>12 would hold those for us in mail bins until we pick</p> <p>13 them up.</p> <p>14 Q So the locations, the ballots dropped at</p> <p>15 those locations, they are not actually placed into the</p> <p>16 U.S. mail. They are given to the postal service to</p> <p>17 hold until you pick them up.</p> <p>18 Is that fair?</p> <p>19 MR. MORAN: Object. If you know.</p> <p>20 Q I'm just trying to understand what you are</p> <p>21 telling me. That is all.</p> <p>22 A So at the postal service a resident comes</p> <p>23 in, and they have it at the counter. And they take it</p> <p>24 across the counter, if it needs postage on it.</p> <p>25 The postal service goes through their</p>	<p style="text-align: right;">Page 25</p> <p>1 Is that where it was for the primary</p> <p>2 election?</p> <p>3 A Correct.</p> <p>4 Q Has it been moved yet to the counter in the</p> <p>5 elections office?</p> <p>6 A It has not.</p> <p>7 Q What are the hours of operation for that</p> <p>8 drop box?</p> <p>9 A I believe it is 8:00 to 5:00 p.m.</p> <p>10 Q Is there any signage on that box?</p> <p>11 A Other than it says "ballot box," no.</p> <p>12 Q So there is no signage on it regarding the</p> <p>13 prohibition of third party delivery of voter ballots?</p> <p>14 MR. MORAN: Objection to the form.</p> <p>15 A There is not.</p> <p>16 Q Can you describe the physical design of the</p> <p>17 look of the drop box?</p> <p>18 A The design of the drop box itself?</p> <p>19 Q Yes.</p> <p>20 A A metal box. It has an opening at the top.</p> <p>21 It is locked. Probably 18 by 18 or maybe bigger, 24</p> <p>22 by 24 box. It sits on top of the counter. It has a</p> <p>23 general mail slot to drop ballots in, and it is</p> <p>24 locked.</p> <p>25 Q Do you have a date on which that box is</p>

NETWORK DEPOSITION SERVICES
Transcript of David Parsnik 30 (b) (6)

8 (Pages 26 to 29)

Page 26

1 going to be moved to the counter in the election
 2 office?
 3 A I do not.
 4 Q Will it be before you anticipate sending
 5 out mail-in ballots on October 5th?
 6 MR. MORAN: Objection to the form.
 7 A At this point I don't know the date it will
 8 be moved.
 9 Q Will that box be supervised or staffed by
 10 elections staff?
 11 A The box is in plain view of elections
 12 personnel as you walk into the counter.
 13 Q My question is a little bit different. I
 14 will ask it again a different way. When a voter goes
 15 to place their ballot in the box, will there be an
 16 election worker there to verify that the voter casting
 17 the ballot is the voter that is on that ballot, I
 18 should say?
 19 MR. MORAN: Objection to form.
 20 A The box is in the plain view of the
 21 counter. The counter sits right there as you walk
 22 into the elections office. If your question is will
 23 we have somebody there right next to the ballot box?
 24 Probably not.
 25 Q Is it under video surveillance, or will it

Page 28

1 assure ballots are not able to be placed inside of
 2 that drop box after 8:00 p.m. on election night?
 3 A The ballot box will be removed from the
 4 counter immediately after 8:00 p.m. on election night.
 5 Q And what will happen to the drop box when
 6 it is removed from the counter at 8:00 o'clock on
 7 election night?
 8 A Contents will be emptied and placed into
 9 the election director's office.
 10 Q Is the election director's office -- does
 11 it have a lock and key to his door?
 12 A It does.
 13 Q How long will those ballots stay in that
 14 office until they are canvassed?
 15 A They will stay in there until we can have
 16 elections personnel scan it into the SURE system.
 17 Q Does your county permit poll watchers to be
 18 present at the drop box during its hours of operation?
 19 A I never had a request for that.
 20 Q What efforts or measures is your county
 21 implementing to prevent against third party delivery
 22 of non-disabled voters or absentee --
 23 MR. MORAN: Objection to form. Not at
 24 issue in this case.
 25 Q What is your county doing -- go ahead,

Page 27

1 be under video surveillance when ballots are able to
 2 be returned?
 3 A It is under video surveillance in that part
 4 of the office, yes.
 5 Q Do you know what retention policies are for
 6 that video?
 7 A I want -- I don't know for sure. I would
 8 say the general policy is 30 days.
 9 Q Was it under video surveillance for the
 10 primary election?
 11 A Yes. It was.
 12 Q Do you know if that video footage still
 13 exists?
 14 A I do not.
 15 Q Do you know who would know?
 16 A The sheriff of Luzerne County.
 17 Q What notice has been published by Luzerne
 18 County regarding the location, hours and availability
 19 of that drop box?
 20 MR. MORAN: Objection to the form. That is
 21 not an issue in this case.
 22 A Since we haven't done anything yet with it,
 23 and we haven't sent the ballots out yet, we haven't
 24 sent any communication.
 25 Q Is the county implementing any measures to

Page 29

1 Mr. Parsnik.
 2 A Our policy is to make sure we follow the
 3 election code. The person that filled out the ballot
 4 is the person that puts the ballot into the ballot
 5 box.
 6 Q Is your county implementing any measures to
 7 prevent the commingling of illegally delivered ballots
 8 or illegally delivered ballots into that drop box?
 9 MR. MORAN: Objection to the form. Use of
 10 the term "illegal."
 11 A So my answer is the same as the previous.
 12 We follow the election code. We make sure that the
 13 person that delivers the ballot is the person that
 14 filled out the ballot.
 15 Q How do you make sure of that?
 16 A If someone walks into the office, and since
 17 it is in direct view of election personnel, we can
 18 look at it that way. If need be, the video, we can go
 19 back and look at video, if there is an issue.
 20 Q What process will your county follow to
 21 collect mail-in ballots from that drop box?
 22 A As far as which part?
 23 Q How often will it be collected?
 24 A So usually the mailbox in elections, if we
 25 feel it is getting full, we will go and empty the

NETWORK DEPOSITION SERVICES **Transcript of David Parsnik 30 (b) (6)**

9 (Pages 30 to 33)

Page 30

1 contents in that. Depending on the traffic at the
 2 postal service we usually have our mail personnel pick
 3 those up the end of the day or the next morning.

4 **Q So let's break that up a little bit. The**
 5 **drop box, you said if it is full. How do you**
 6 **determine if it is full?**

7 A We can see in our drop box, in the
 8 elections box, once there are so many ballots placed
 9 into there, we can see where the slot is to place the
 10 ballots, if it is approaching it and there is
 11 difficulty putting them in.

12 **Q Like you said earlier, if that is the case,**
 13 **then that box is emptied, and those ballots are placed**
 14 **in your director of elections office?**

15 A That's correct.

16 **Q And what kind of receptacle do they go into**
 17 **that is placed in the office?**

18 A We have plastic bins.

19 **Q So they are just in a plastic bin; they are**
 20 **not in an enclosed container of any kind?**

21 A They are in a plastic bin.

22 **Q And the same questions for the ballots**
 23 **picked up from the post office. What kind of**
 24 **receptacle are they transported in from the post**
 25 **office to the elections office?**

Page 31

1 MR. MORAN: Objection to form. The
 2 handling and transportation and security of any
 3 non-drop box ballot is not at issue in this case.

4 A So the mail service provides us with the
 5 general plastic mail bins that say "U.S. postal" on
 6 them. And they put all of our mail into those bins.
 7 And we then bring it back to the mail room.

8 **Q Are those ballots also placed in the**
 9 **director of elections office?**

10 A They are -- when the mail room brings up
 11 the mail, we place the ballots in the director's office
 12 and lock them up.

13 **Q And do they stay there locked up until they**
 14 **are canvassed?**

15 A That's correct.

16 **Q Is your county creating any record of when**
 17 **the ballots are delivered to the office and locked up?**

18 MR. MORAN: Objection to the form.

19 A So you have to explain what type of record
 20 you are talking about.

21 **Q Well, for example, when your workers empty**
 22 **the drop box, is there a log or diary or something**
 23 **that they are keeping a record of when that box is**
 24 **emptied?**

25 A I am not sure if there is a log. I

Page 32

1 believe they record when it is emptied. But I don't
 2 know how much of a log is there.

3 **Q Is there a certain period of time that**
 4 **passes, hours or days, between the box is emptied and**
 5 **the ballots are placed in the office until they are**
 6 **scanned into the SURE system?**

7 **Or I guess the better question, are they**
 8 **scanned into the SURE system as soon as they are taken**
 9 **out of that box?**

10 A They are scanned into the SURE system
 11 daily.

12 **Q Is the box emptied daily?**

13 A The box could be emptied more than once
 14 daily.

15 **Q Once the box is emptied and placed into the**
 16 **bins in the director's office, are those ballots also**
 17 **commingled with the ballots retrieved from the postal**
 18 **service?**

19 MR. MORAN: Objection to the form.

20 A So the ballots, whether they are received
 21 from the elections box or from the postal service, are
 22 all in the same bins. And we scan them all in to SURE
 23 at the same time.

24 **Q Will you have any tracking measures to**
 25 **record which ballots were delivered via drop box, U.S.**

Page 33

1 **mail, or in-person?**

2 A I don't believe so.

3 Let me take that back. Let me take that
 4 back. All of the mail that we get in every day in the
 5 elections office is time stamped. So that is a report
 6 of when they are received back. They then go into the
 7 election director's office to be locked up.

8 **Q On that time stamp, does it say if they are**
 9 **received from the postal service, or is it just a time**
 10 **stamp of the date?**

11 A Just a time stamp of the date and the time.

12 **Q Aside from the drop boxes, is your county**
 13 **implementing other types of mobile collection sites or**
 14 **satellite office for the collection of mail letter**
 15 **absentee ballots?**

16 A We are not.

17 **Q In those instances where a voter delivers**
 18 **their absentee or mail-in ballot in person to your**
 19 **election office, will those voters be asked by a**
 20 **county election worker is it their own ballot which**
 21 **they are casting?**

22 MR. MORAN: Objection to the form.

23 A I don't believe so.

24 **Q Why not? Why aren't they asking that**
 25 **question?**

NETWORK DEPOSITION SERVICES
Transcript of David Parsnik 30 (b) (6)

10 (Pages 34 to 37)

<p style="text-align: right;">Page 34</p> <p>1 MR. MORAN: Objection to the form.</p> <p>2 A When a voter has that declaration, they</p> <p>3 sign that declaration, that they filled this out, and</p> <p>4 it is their ballot, and everything else is correct.</p> <p>5 If that voter wants to commit some type of fraud or</p> <p>6 criminal act, it is the voter's -- I don't know what</p> <p>7 else to say. It is the voter's purview.</p> <p>8 MS. McGEE: Ray, would you pull up C3? We</p> <p>9 will mark this Exhibit 3.</p> <p>10 (Thereupon, Exhibit No. 3 was marked for</p> <p>11 identification.)</p> <p>12 Q If you could scroll to the second page,</p> <p>13 please, Ray.</p> <p>14 Mr. Parsnik, what we marked Exhibit 3 is an</p> <p>15 August 19, 2020 document from the Pennsylvania</p> <p>16 Department of State regarding absentee and mail-in</p> <p>17 ballot return guidance.</p> <p>18 Are you familiar with this document?</p> <p>19 A I have read it.</p> <p>20 MS. McGEE: Ray, would you scroll through</p> <p>21 it slowly?</p> <p>22 Q Let me know when you are ready,</p> <p>23 Mr. Parsnik.</p> <p>24 Have you seen this document before,</p> <p>25 Mr. Parsnik?</p>	<p style="text-align: right;">Page 36</p> <p>1 guidance from the Department of State concerning</p> <p>2 examination of absentee and mail-in return envelopes.</p> <p>3 Have you seen this document before?</p> <p>4 A Yes.</p> <p>5 Q If you would look at the first page, second</p> <p>6 paragraph.</p> <p>7 A You need to blow that up.</p> <p>8 Q The second paragraph. It says, "Once the</p> <p>9 qualified voter's absentee or mail-in application is</p> <p>10 approved, the voter is mailed a ballot with</p> <p>11 instructions and two envelopes."</p> <p>12 It goes on to say at the bottom, "This</p> <p>13 guidance addresses the examination of the voter's</p> <p>14 declaration on the ballot return envelope. This</p> <p>15 guidance assumes that the voter has satisfactorily</p> <p>16 completed the steps described above as to the</p> <p>17 application for receipt and return of an absentee or</p> <p>18 mail-in ballot."</p> <p>19 My question is would you agree with me this</p> <p>20 paragraph tracks Pennsylvania's election laws for the</p> <p>21 process by which a voter must complete their absentee</p> <p>22 or mail-in ballot with regard to the completion of the</p> <p>23 declaration envelope?</p> <p>24 MR. MORAN: Objection to the form. He is a</p> <p>25 lay witnesses.</p>
<p style="text-align: right;">Page 35</p> <p>1 A Yes.</p> <p>2 Q Have you ever reviewed it in total before</p> <p>3 today?</p> <p>4 A Yes.</p> <p>5 Q This guidance from the Department of State</p> <p>6 concerns ballot return and collection.</p> <p>7 Correct?</p> <p>8 MR. MORAN: Objection to the form.</p> <p>9 A It appears to, yes.</p> <p>10 Q And this guidance discusses a ballot return</p> <p>11 and collection plan. My question to you is has</p> <p>12 Luzerne County submitted a collection plan to the</p> <p>13 Department of State?</p> <p>14 A I believe a ballot and collection plan</p> <p>15 needed to be submitted, if they were off site other</p> <p>16 than their election office.</p> <p>17 Q Okay.</p> <p>18 So is it fair to say you did not submit a</p> <p>19 plan, because yours are not off site?</p> <p>20 A Correct.</p> <p>21 MS. McGEE: Ray, you can take this down.</p> <p>22 If you would pull up C4.</p> <p>23 (Thereupon, Exhibit No. 4 was marked for</p> <p>24 identification.)</p> <p>25 Q Mr. Parsnik, this is a September 11, 2020</p>	<p style="text-align: right;">Page 37</p> <p>1 A Say it again, what your question --</p> <p>2 Q Would you agree with me this paragraph that</p> <p>3 we are on, the second paragraph on page 2 of this --</p> <p>4 A Okay.</p> <p>5 So unless you --</p> <p>6 Q Describe the process by which a voter must</p> <p>7 complete their absentee or mail-in ballot with regard</p> <p>8 to the declaration envelope?</p> <p>9 A So that is the state process --</p> <p>10 MR. MORAN: Carolyn, can you blow up that</p> <p>11 paragraph?</p> <p>12 MS. McGEE: The second paragraph, Ray.</p> <p>13 Right above that.</p> <p>14 It starts with "once." There you go.</p> <p>15 MR. MORAN: Can you see that better?</p> <p>16 THE WITNESS: Yes.</p> <p>17 MR. MORAN: Would you mind asking the</p> <p>18 question again now that he can see the text?</p> <p>19 Q Would you agree with me that this paragraph</p> <p>20 describes how a voter must complete their absentee or</p> <p>21 mail-in ballot with regard to the declaration</p> <p>22 envelope?</p> <p>23 A Yes.</p> <p>24 Q Would you also agree with me that the</p> <p>25 signature requirement for the declaration envelope is</p>

NETWORK DEPOSITION SERVICES
Transcript of David Parsnik 30 (b) (6)

11 (Pages 38 to 41)

Page 38

1 an important component of a voter voting their mail-in
 2 or absentee ballot?

3 A It is one component of importance, yes.

4 Q And that is partly because in Pennsylvania,
 5 unless you are a first time voter, you do not have to
 6 show ID in order to vote? Your identification is
 7 verified by signature, isn't that true?

8 MR. MORAN: Objection to the form.

9 A So it is true. But also on that
 10 declaration is the correct name that you would use,
 11 and your correct address.

12 Q Correct.

13 So by those component, their name, their
 14 address, and their signature, that is that voter
 15 establishing their right to vote.

16 Correct?

17 A Yes.

18 MR. MORAN: Objection to form.

19 MS. McGEE: Ray, if you would blow up the
 20 first paragraph under section 2 on that same
 21 page.

22 Q That paragraph states, "County boards of
 23 elections should have processes in place to record the
 24 dated return method and ballot status for all voted
 25 ballots received. County boards of elections must

Page 40

1 need -- what records do you need at that point?

2 Q What happens with the ballots after they
 3 are scanned in?

4 A What happens to the ballots after they are
 5 scanned in? They are locked in our data room.

6 Q Until they are canvassed, correct?

7 A That's correct.

8 MS. McGEE: Ray, if you go to the third
 9 page of that exhibit. We are looking at section
 10 3. Examination of declaration on ballot return
 11 envelopes. If you would blow up the second to
 12 last paragraph.

13 Q It states, "If the voter's declaration on
 14 the return envelope is signed, and the county board is
 15 satisfied that the declaration is sufficient, the
 16 mail-in or absentee ballot should be approved for
 17 canvassing unless challenged in accordance with the
 18 Pennsylvania election code."

19 My question to you is what do you
 20 understand the word "sufficient" to mean?

21 A Sufficient?

22 The declaration would be considered
 23 sufficient, if the envelope is signed. And the
 24 correct address is on the declaration as well as the
 25 correct spelling of the elector's name.

Page 39

1 store and maintain returned ballots in a secure
 2 location until the ballots may be prec canvassed or
 3 canvassed."

4 And my question to you is what process does
 5 your county have in place for the general election to
 6 record the date, return method, and ballot status for
 7 all voted absentee or mail-in ballots?

8 MR. MORAN: Objection to the form.

9 A So we record the date through the time
 10 stamp. And the return method is into bins by either
 11 the postal service or through the ballot box.

12 So we don't have the mail bins -- do we
 13 separate the ones from the ballot box to the ones
 14 received from the post office? The answer is no,
 15 because all those are recorded into SURE as being
 16 either absentee or mail-in ballot that gets returned
 17 to the office.

18 The way that they return them, and we put
 19 them into SURE to record them, doesn't mean it would
 20 have a bearing on it. The date is recorded into SURE,
 21 when you scan them in.

22 Q What will you be doing to maintain those
 23 records, once the ballots are scanned into SURE?

24 MR. MORAN: Objection to form.

25 A Once the ballots are scanned into SURE, you

Page 41

1 Q What will your county election workers do
 2 to determine whether the signature on the declaration
 3 is sufficient?

4 MR. MORAN: Objection to the form.

5 A So the county workers will look at every
 6 one of those declarations on the envelope as they are
 7 placing them into the SURE system to verify and put
 8 into the system that we received the ballot.

9 And if there is a reason for them to
 10 believe it is not sufficient based on their experience
 11 working in the office for many years, they would then
 12 place it on the side to be adjudicated. And it would
 13 not be sent through SURE.

14 Q At that point in time are they comparing
 15 the signatures on the declaration envelopes to any
 16 voter registration records to verify the signature?

17 A So they verify the signature with what
 18 appears on the SURE system, when they scan the bar
 19 code in.

20 Q Okay.

21 This guidance goes on to state in the last
 22 paragraph -- if you blow that up, Ray.

23 "The Pennsylvania election code does not
 24 authorize the county board of elections to set aside
 25 returned absentee or mail-in ballots based solely on

NETWORK DEPOSITION SERVICES **Transcript of David Parsnik 30 (b) (6)**

12 (Pages 42 to 45)

<p style="text-align: right;">Page 42</p> <p>1 signature analysis by the county board of elections."</p> <p>2 My question is, given this instruction from</p> <p>3 the Department of State, what will your election</p> <p>4 workers do, if they are unable to verify signature on</p> <p>5 a declaration envelope of a voter mail-in or absentee</p> <p>6 ballot?</p> <p>7 MR. MORAN: Objection to the form.</p> <p>8 A If they are unable to look at the signature</p> <p>9 and say whether it is sufficient or not? Is that your</p> <p>10 question?</p> <p>11 Q Yes.</p> <p>12 A Based on what we have today, we would put</p> <p>13 it in our bin for adjudication.</p> <p>14 Q I'm sorry, you broke up. Your bin for</p> <p>15 what?</p> <p>16 A Adjudication.</p> <p>17 Q So you would set it aside. Is that</p> <p>18 correct?</p> <p>19 A That's correct.</p> <p>20 Q What other basis would justify about being</p> <p>21 set aside an absentee or mail-in ballot?</p> <p>22 MR. MORAN: Objection to the form. Let's</p> <p>23 clarify what we mean by set aside.</p> <p>24 The witness is actually talking about</p> <p>25 setting aside into a pile for later adjudication</p>	<p style="text-align: right;">Page 44</p> <p>1 A They are not notified. It is put into an</p> <p>2 adjudication. They would be notified --</p> <p>3 Q I'm sorry. Go ahead.</p> <p>4 A Go ahead.</p> <p>5 Q Are you aware under Pennsylvania's election</p> <p>6 code, when a ballot is set aside for missing</p> <p>7 information, or an issue with signature verification</p> <p>8 on a declaration envelope, that that voter is to be</p> <p>9 provided a notice and opportunity to address that?</p> <p>10 MR. MORAN: Objection to the form. If you</p> <p>11 know.</p> <p>12 A I do not know.</p> <p>13 MS. McGEE: Ray, could you pull up C9,</p> <p>14 please?</p> <p>15 Q Mr. Parsnik 20 minutes before your</p> <p>16 deposition we received from counsel for Secretary</p> <p>17 Boockvar a guidance dated September 28, 2020, that Ray</p> <p>18 is going to pull up for me.</p> <p>19 And I realize you may not have seen this</p> <p>20 document that was put out minutes before your</p> <p>21 deposition. But I would like you to take a look at it</p> <p>22 nonetheless. Okay?</p> <p>23 A Sure.</p> <p>24 MS. McGEE: Ray, can you pull up C9?</p> <p>25 VIDEOGRAPHER: I'm getting it ready right</p>
<p style="text-align: right;">Page 43</p> <p>1 by the board of elections.</p> <p>2 Are you asking him in terms of set aside as</p> <p>3 meaning disregard entirely for some deficiency?</p> <p>4 Can we clarify what we mean by that term "set</p> <p>5 aside"?</p> <p>6 Q I am meaning when they scan in the ballots</p> <p>7 to SURE, before they scan them in, if they determine</p> <p>8 there is something that needs to be further reviewed,</p> <p>9 what other basis would they put a ballot aside and not</p> <p>10 count it at that point? Or not scan it in.</p> <p>11 A If the signature is not sufficient in their</p> <p>12 estimation, or if there was another article in there,</p> <p>13 they failed to put their correct address in there, we</p> <p>14 would put that to the side. Things like that.</p> <p>15 Q Okay.</p> <p>16 What procedure would your county follow to</p> <p>17 provide notice to a voter that their ballot had been</p> <p>18 set aside?</p> <p>19 MR. MORAN: Objection to the form.</p> <p>20 A At this point, their ballot in the end,</p> <p>21 whether it is received or not, gets reported into SURE</p> <p>22 with an explanation of a code in SURE to either put</p> <p>23 in, and that would become part of the voter's record.</p> <p>24 Q How would the voter be notified there is</p> <p>25 something wrong with their ballot?</p>	<p style="text-align: right;">Page 45</p> <p>1 now. It is taking a little longer to load.</p> <p>2 Stand by.</p> <p>3 (Thereupon, Exhibit No. 5 was marked for</p> <p>4 identification.)</p> <p>5 Q Mr. Parsnik, is it fair to say you haven't</p> <p>6 seen this document before, since it was just issued?</p> <p>7 A I have not.</p> <p>8 MS. McGEE: Ray, if you could go to the</p> <p>9 very last page. Page 9.</p> <p>10 MR. MORAN: I have a copy I am going to</p> <p>11 hand him. Turn to the last page.</p> <p>12 MS. McGEE: he has a printed copy in front</p> <p>13 of him?</p> <p>14 MR. MORAN: Yes. I had my office bring it</p> <p>15 to me. I have a printed copy. It's the first</p> <p>16 time he is seeing it now.</p> <p>17 Q I'm looking at the last few lines of this,</p> <p>18 Mr. Parsnik. And the first sentence under the</p> <p>19 bullets. It says, "The election code does not permit</p> <p>20 county election officials to reject applications or</p> <p>21 voted ballots based solely on signature analysis."</p> <p>22 And as the one in charge of elections for</p> <p>23 your county, do you agree with that statement?</p> <p>24 MR. MORAN: Objection to the form.</p> <p>25 A Let me read it first. This is the first</p>

NETWORK DEPOSITION SERVICES
Transcript of David Parsnik 30 (b) (6)

13 (Pages 46 to 49)

<p style="text-align: right;">Page 46</p> <p>1 time I'm reading it.</p> <p>2 Q Sure.</p> <p>3 Take your time.</p> <p>4 A What was your question?</p> <p>5 Q The statement, "The election code does not</p> <p>6 permit county election officials to reject</p> <p>7 applications or voted ballots based solely on</p> <p>8 signature analysis," do you agree with that statement?</p> <p>9 A I would agree with that statement.</p> <p>10 Q So if there is an issue with signature</p> <p>11 analysis on a voted absentee or mail-in ballot, will</p> <p>12 that ballot be counted nonetheless?</p> <p>13 MR. MORAN: Objection to the form. He is</p> <p>14 just seeing this guidance. They haven't</p> <p>15 developed any process.</p> <p>16 A I don't really have an answer for you on</p> <p>17 that. I have just seen this today. I can't really</p> <p>18 say what we are going to do with it yet.</p> <p>19 Q Okay.</p> <p>20 Prior to the issuance of the September 11</p> <p>21 and now the September 28 guidance, how did your county</p> <p>22 board of elections address a signature on a</p> <p>23 declaration envelope that could not be verified</p> <p>24 against a voter's registration during any prec canvass</p> <p>25 or canvass?</p>	<p style="text-align: right;">Page 48</p> <p>1 believe they would have to approach the election</p> <p>2 board, fill out the paperwork for the challenge, and</p> <p>3 go through that process.</p> <p>4 The adjudication process by the board is</p> <p>5 just the ballot is set aside, not put into the SURE</p> <p>6 system. And once we got through everything else we</p> <p>7 needed to do for the election, and we got to the</p> <p>8 adjudication part for the board, they would determine</p> <p>9 whether that is to be counted or not.</p> <p>10 Q Prior to the issuance of these two</p> <p>11 guidances, how did your board of elections address the</p> <p>12 signature by an in-person voter that could not be</p> <p>13 verified against their voter registration?</p> <p>14 MR. MORAN: Object to the form "in-person</p> <p>15 voting" is not an issue in this litigation.</p> <p>16 MS. McGEE: It is an issue in this</p> <p>17 litigation, because these guidances are treating</p> <p>18 absentee and mail-in voters different than</p> <p>19 in-person voters. It is absolutely at issue. I</p> <p>20 would ask that he answer the question.</p> <p>21 MR. MORAN: I didn't instruct him not to</p> <p>22 answer. I am preserving the objection. Go</p> <p>23 ahead.</p> <p>24 A Ask me it one more time.</p> <p>25 Q Prior to the issuance of these two</p>
<p style="text-align: right;">Page 47</p> <p>1 MR. MORAN: Objection to the form.</p> <p>2 Objection as asked and answered as well.</p> <p>3 Q That ballot would be set aside for</p> <p>4 challenge?</p> <p>5 A Please ask me that one more time.</p> <p>6 Q Prior to the issuance of the September 11</p> <p>7 and September 28 guidance, how did your county board</p> <p>8 of elections address the signature on a declaration</p> <p>9 envelope that could not be verified against a voter</p> <p>10 registration during a prec canvass or canvass? Would</p> <p>11 that ballot be set aside for challenge, or would it be</p> <p>12 counted?</p> <p>13 MR. MORAN: Objection to the form. He said</p> <p>14 set aside for adjudication in his previous</p> <p>15 testimony, not challenge.</p> <p>16 A Correct. It would be set aside for</p> <p>17 adjudication.</p> <p>18 Q And when an absentee ballot was set aside</p> <p>19 for challenge or adjudication, as you say, would the</p> <p>20 county board of elections hold a hearing on that</p> <p>21 challenge?</p> <p>22 A The challenges and adjudications to me are</p> <p>23 two different things.</p> <p>24 Q What is your distinction between the two?</p> <p>25 A Well, if somebody wants to challenge it, I</p>	<p style="text-align: right;">Page 49</p> <p>1 guidances, how did your county board of elections</p> <p>2 address the signature by an in-person voter that could</p> <p>3 not be verified against their voter registration</p> <p>4 record?</p> <p>5 A It would be the same process. We would put</p> <p>6 it aside, it would not go through SURE, for</p> <p>7 adjudication.</p> <p>8 Q Will poll watchers be permitted to be</p> <p>9 present during canvassing events in your county</p> <p>10 including prec canvass?</p> <p>11 A Poll watchers can be in the room for</p> <p>12 prec canvassing from 7:00 a.m. on Election Day.</p> <p>13 Q Does that include when the review of</p> <p>14 signatures on declaration envelopes is performed?</p> <p>15 MR. MORAN: Objection to the form.</p> <p>16 A Poll watchers can object, do whatever they</p> <p>17 need, if they are observing our procedure.</p> <p>18 Q During prec canvass and canvassing of</p> <p>19 absentee and mail-in ballots, what process will your</p> <p>20 county follow to set aside any unopen ballots which</p> <p>21 are received after the deadline?</p> <p>22 A So ballots that are received after the</p> <p>23 deadline on Election Day at 8:00 p.m., is that what</p> <p>24 you are getting at?</p> <p>25 Q Yes. That's correct.</p>

NETWORK DEPOSITION SERVICES
Transcript of David Parsnik 30 (b) (6)

14 (Pages 50 to 53)

<p style="text-align: right;">Page 50</p> <p>1 A So we hold those ballots. We keep them</p> <p>2 locked in the director's office. We have to go in the</p> <p>3 SURE system and put them in as being received after</p> <p>4 the deadline.</p> <p>5 Q What happens from there? Are they counted,</p> <p>6 or not counted?</p> <p>7 A If they are received after the deadline,</p> <p>8 they are not counted.</p> <p>9 Q Okay.</p> <p>10 I know I asked these questions before. I</p> <p>11 will just ask just to confirm a different way. Aside</p> <p>12 from the drop box located in the county election</p> <p>13 office, is your county conducting any over the counter</p> <p>14 absentee or mail-in voting in locations other than the</p> <p>15 main office?</p> <p>16 MR. MORAN: Objection. Asked and answered.</p> <p>17 A Say it one more time. Are we doing what?</p> <p>18 Q Any over the counter voting for mail-in</p> <p>19 ballots aside from the main office, is there any other</p> <p>20 office location that that can take place at?</p> <p>21 A No. That is the only one is North</p> <p>22 Pennsylvania Avenue.</p> <p>23 Q Okay.</p> <p>24 What is your county's procedures regarding</p> <p>25 spoliation of any absentee or mail-in ballots for</p>	<p style="text-align: right;">Page 52</p> <p>1 do. I can't answer what the poll watchers -- if they</p> <p>2 would be allowed at the county elections office for</p> <p>3 monitoring.</p> <p>4 Q During the primary election, did you have</p> <p>5 any instances of voters who applied for and voted</p> <p>6 absentee or mail-in ballots, and also voted in person</p> <p>7 during the primary election?</p> <p>8 A We had none.</p> <p>9 Q Ray, could you pull up C5, please?</p> <p>10 (Thereupon, Exhibit No. 6 was marked for</p> <p>11 identification.)</p> <p>12 Q If you could blow up the middle part of</p> <p>13 that with the heading.</p> <p>14 Take a moment to read this, Mr. Parsnik.</p> <p>15 This is a September 24, 2020 statement from the</p> <p>16 Department of Justice, entitled "Statement of U.S.</p> <p>17 Attorney Freed on inquiry into reports of potential</p> <p>18 issues with mail-in ballots."</p> <p>19 MR. MORAN: I will object at this time and</p> <p>20 instruct him not to answer any questions</p> <p>21 pertaining to this ongoing investigation by the</p> <p>22 United States Middle District Attorney. Also, as</p> <p>23 being way outside the scope of testimony as</p> <p>24 noticed in the 30(b)(6) notice, subsequently</p> <p>25 negotiated and agreed to by counsel. He is not</p>
<p style="text-align: right;">Page 51</p> <p>1 voters who applied for, but did not vote their</p> <p>2 absentee or mail-in vote, and seek to vote in-person</p> <p>3 on Election Day?</p> <p>4 A So if it comes to the polling place, and</p> <p>5 they have their ballot in their hand, and they come in</p> <p>6 and say, "I don't want to fill out my ballot, I want</p> <p>7 to vote in person," the director of election would</p> <p>8 then spoil that ballot, sign the proper paperwork, and</p> <p>9 that voter would then be told to go vote at the</p> <p>10 machine.</p> <p>11 Q At the November 3rd general election will</p> <p>12 poll watchers be permitted to monitor the absentee and</p> <p>13 mail-in ballot voting activities that occur at your</p> <p>14 county election office, prior to and on Election Day?</p> <p>15 A I guess I don't know what you mean by</p> <p>16 monitoring.</p> <p>17 Q Are poll watchers going to be permitted at</p> <p>18 the main office, and I guess the two postal offices</p> <p>19 you identified, where mail-in and absentee ballots can</p> <p>20 be returned prior to and on Election Day?</p> <p>21 MR. MORAN: Objection.</p> <p>22 A We have no control over what the post</p> <p>23 office does. Poll watchers are admitted to our</p> <p>24 prec canvassing at that point. Other than that, they</p> <p>25 are at the polling locations to do what they need to</p>	<p style="text-align: right;">Page 53</p> <p>1 going to answer any questions pertaining to this</p> <p>2 issue.</p> <p>3 MS. McGEE: Is this witness under</p> <p>4 investigation such that he is invoking his Fifth</p> <p>5 Amendment rights?</p> <p>6 MR. MORAN: No.</p> <p>7 MS. McGEE: I don't know the basis to</p> <p>8 instruct him -- hold on. I'm still talking.</p> <p>9 Because if he is not, you don't have a basis to</p> <p>10 tell him not to answer.</p> <p>11 If he is not subject to the investigation,</p> <p>12 there is no reason he can't answer questions</p> <p>13 about this incident.</p> <p>14 MR. MORAN: The reasons are it is outside</p> <p>15 the scope of the 30(b)(6) notice. It is not</p> <p>16 particularly relevant to this litigation.</p> <p>17 This is about UMOVA ballots. It has</p> <p>18 nothing to do with drop box ballots. And as I</p> <p>19 previously objected, any non-drop box ballot</p> <p>20 activity, handling, storage, or security is not</p> <p>21 at issue in this litigation. He is not here to</p> <p>22 testify --</p> <p>23 MS. McGEE: This statement and the news</p> <p>24 articles that are out there doesn't make any</p> <p>25 reference to whether or not these ballots that</p>

NETWORK DEPOSITION SERVICES **Transcript of David Parsnik 30 (b) (6)**

15 (Pages 54 to 57)

<p style="text-align: right;">Page 54</p> <p>1 were discarded were delivered by drop box.</p> <p>2 And the issue over the security of mail-in</p> <p>3 and absentee ballots is at issue in this</p> <p>4 litigation. So I am entitled to ask him</p> <p>5 questions about this.</p> <p>6 I only have a few. If he doesn't know</p> <p>7 anything about it, that will end it right there.</p> <p>8 But I am entitled to ask him questions about it.</p> <p>9 I really don't want to get into it. We</p> <p>10 already learned today the Judge is not available</p> <p>11 for discovery disputes. I would hate to have to</p> <p>12 bring this witness back for any reason. I would</p> <p>13 ask please to be able to ask him a few questions</p> <p>14 about this incident and what he knows.</p> <p>15 MR. MORAN: That is fair. Ask your</p> <p>16 questions.</p> <p>17 MR. OBLAK: On behalf of intervenors we do</p> <p>18 not have any objection to this being outside the</p> <p>19 scope of 30(b)(6) notice.</p> <p>20 MS. McGEE: The objection is noted.</p> <p>21 Q Mr. Parsnik, do you have any knowledge of</p> <p>22 the incident that is identified in the statement</p> <p>23 regarding military ballots that were found to be</p> <p>24 discarded at the Luzerne County board of elections?</p> <p>25 MR. MORAN: Objection.</p>	<p style="text-align: right;">Page 56</p> <p>1 VIDEOGRAPHER: We are now off the record.</p> <p>2 The time is 12:13 p.m.</p> <p>3 (Recess taken.)</p> <p>4 VIDEOGRAPHER: We are now back on the</p> <p>5 record. The time is 12:18 p.m.</p> <p>6 Q Mr. Parsnik, the ballots at issue in the</p> <p>7 investigation, have they been counted, or will they be</p> <p>8 counted for the general election?</p> <p>9 MR. MORAN: Objection. Instruct not to</p> <p>10 answer.</p> <p>11 MS. McGEE: On what basis?</p> <p>12 MR. MORAN: Same basis. Outside the scope</p> <p>13 of the 30(b)(6) notice, and the agreement</p> <p>14 governing his testimony today.</p> <p>15 MS. McGEE: It is not beyond the scope of</p> <p>16 the topics and issues. I'm asking if those</p> <p>17 ballots will be counted.</p> <p>18 MR. BRIER: This is Dan Brier for the</p> <p>19 Secretary. We are joining in the objection as</p> <p>20 outside the scope. Thank you.</p> <p>21 MS. McGEE: Are you instructing him not to</p> <p>22 answer.</p> <p>23 MR. MORAN: I am instructing him not to</p> <p>24 answer.</p> <p>25 MS. McGEE: For purposes of the record, I</p>
<p style="text-align: right;">Page 55</p> <p>1 Again, you just identified them as military</p> <p>2 ballots. There is nothing at all in this</p> <p>3 litigation pertaining to military ballots.</p> <p>4 Q I'm sorry, I misspoke. I'm sorry. The</p> <p>5 statement actually says potential issues with a small</p> <p>6 number of mail-in ballots at Luzerne County board of</p> <p>7 elections.</p> <p>8 A This is an ongoing investigation. It is</p> <p>9 not closed yet. I am not comfortable answering any</p> <p>10 questions on it regarding Luzerne County or personnel.</p> <p>11 Q Is it fair to say that you do have</p> <p>12 knowledge regarding this incident of ballots being</p> <p>13 discarded, and you are now refusing to answer?</p> <p>14 A I am not refusing to answer. It is an open</p> <p>15 investigation.</p> <p>16 Q Are you being investigated, sir?</p> <p>17 MR. MORAN: Objection. Knowledge. He</p> <p>18 doesn't know who they are investigating.</p> <p>19 A At this point it is an open investigation.</p> <p>20 I don't know who the targets are.</p> <p>21 Q Do you know why these ballots were</p> <p>22 discarded?</p> <p>23 MR. MORAN: Objection. I am instructing</p> <p>24 you not to answer.</p> <p>25 Q Off the record for a few minutes, please.</p>	<p style="text-align: right;">Page 57</p> <p>1 will put my objection to your objection, I guess.</p> <p>2 But I am going to ask my questions to put</p> <p>3 them on the record to preserve this for the</p> <p>4 court.</p> <p>5 Q What is the current status of those</p> <p>6 ballots, are they in possession of the county</p> <p>7 election board?</p> <p>8 MR. MORAN: Objection. Outside the scope</p> <p>9 of the 30(b)(6) notice. It also implicates</p> <p>10 ongoing criminal or personnel investigation.</p> <p>11 Q Have those voters at issue with those</p> <p>12 ballots been notified?</p> <p>13 MR. MORAN: Objection. Outside the scope</p> <p>14 of the 30(b)(6) notice. Also particularly</p> <p>15 implicates ongoing criminal and personnel</p> <p>16 investigation.</p> <p>17 Q Have the voters at issue with those ballots</p> <p>18 been notified they need to cast new ballots?</p> <p>19 MR. MORAN: Objection. Outside the scope</p> <p>20 of the 30(b)(6) notice. Implicates ongoing</p> <p>21 criminal and personnel investigation. Instruct</p> <p>22 him not to answer.</p> <p>23 Q That is all the questions I have for you,</p> <p>24 Mr. Parsnik. Thank you.</p> <p>25 A Thank you.</p>

NETWORK DEPOSITION SERVICES
Transcript of David Parsnik 30 (b) (6)

16 (Pages 58 to 61)

<p style="text-align: right;">Page 58</p> <p>1 MR. OBLAK: Sorry. John Oblak on behalf of</p> <p>2 the Sierra Club and PennFuture intervenors. I</p> <p>3 have a few questions.</p> <p>4 MR. MORAN: So does counsel for the witness</p> <p>5 as well.</p> <p>6 MR. OBLAK: Why don't you go first. We</p> <p>7 will follow.</p> <p>8 EXAMINATION</p> <p>9 BY MR. MORAN:</p> <p>10 Q I have just a few.</p> <p>11 Mr. Parsnik, is there any requirement under</p> <p>12 the law you are aware of for election staff to</p> <p>13 interrogate voters when they are dropping off their</p> <p>14 absentee or mail-in ballot?</p> <p>15 A Not to my knowledge.</p> <p>16 MS. McGEE: Object to form.</p> <p>17 Q That is all I have.</p> <p>18 MS. McGEE: Object to the form. But he can</p> <p>19 answer.</p> <p>20 Q Did you answer?</p> <p>21 A Not to my knowledge.</p> <p>22 Q That is all I have.</p> <p>23 EXAMINATION</p> <p>24 BY MR. OBLAK:</p> <p>25 Q Good morning, Mr. Parsnik. Again, my name</p>	<p style="text-align: right;">Page 60</p> <p>1 to your knowledge?</p> <p>2 MR. MORAN: I am instructing him not to</p> <p>3 answer. You don't have any basis of what he</p> <p>4 knows in terms of Mr. Pedri's knowledge.</p> <p>5 Q Understood.</p> <p>6 Mr. Parsnik, switching gears a little bit.</p> <p>7 With respect to Luzerne County's intentions in the</p> <p>8 2020 general election, does it plan to follow guidance</p> <p>9 issues by the Secretary of State with respect to how</p> <p>10 that election should be conducted?</p> <p>11 A Yes.</p> <p>12 Q Does it intend to follow the guidance that</p> <p>13 counsel for plaintiffs marked here today, or any</p> <p>14 future guidance issued by the Secretary of State on</p> <p>15 election issues?</p> <p>16 A Yes.</p> <p>17 Q To your knowledge, did Luzerne County</p> <p>18 follow Secretary of State Boockvar's guidance during</p> <p>19 the 2020 Pennsylvania primary?</p> <p>20 A Yes.</p> <p>21 Q Did it follow Pennsylvania election laws</p> <p>22 during the 2020 primary, to your knowledge?</p> <p>23 A Yes.</p> <p>24 Q With respect to plans for the 2020 general</p> <p>25 election, does Luzerne County again intend to</p>
<p style="text-align: right;">Page 59</p> <p>1 is Jonathan Oblak. I'm an attorney representing</p> <p>2 intervenors PennFuture and Sierra Club. I have just a</p> <p>3 few questions for you.</p> <p>4 I want to ask a couple about the topic that</p> <p>5 plaintiff's counsel finished with on the issue with</p> <p>6 the ballots for which the U.S. Attorney's Office</p> <p>7 issued for release, is it correct as a preballot</p> <p>8 issuer of military ballots?</p> <p>9 MR. MORAN: Objection. He is not answering</p> <p>10 questions on this line.</p> <p>11 Q Mr. Parsnik, do you recall that the</p> <p>12 Department of Justice issued a revised statement</p> <p>13 following the one that counsel for plaintiff has</p> <p>14 marked Exhibit C5?</p> <p>15 MR. MORAN: Objection. Instruct not to</p> <p>16 answer.</p> <p>17 Q Mr. Parsnik, are you familiar with a</p> <p>18 statement issued by David Pedri, county manager,</p> <p>19 regarding this issue?</p> <p>20 A Yes.</p> <p>21 Q Is that something you have read previously?</p> <p>22 A Yes.</p> <p>23 Q And so Mr. Pedri states in that issuance</p> <p>24 that the contractor incorrectly discarded in the</p> <p>25 office trash UMOVA ballots. Is that a true statement,</p>	<p style="text-align: right;">Page 61</p> <p>1 encourage voters to drop off their ballots as it did</p> <p>2 in the primary?</p> <p>3 A I don't know what you mean by encourage.</p> <p>4 Q Sure.</p> <p>5 If we could look at Exhibit C2. Get that</p> <p>6 pulled up. That is the correspondence, do you see</p> <p>7 that in front of you, from May 1st, 2020?</p> <p>8 A Yes.</p> <p>9 Q Do you see point 2 on that letter reads,</p> <p>10 "Vote in person as usual. Due to the pandemic, you</p> <p>11 may experience larger crowds and wait times, as we</p> <p>12 strive to enforce social distancing guidelines at a</p> <p>13 consolidated number of polling places."</p> <p>14 Do you see that?</p> <p>15 A Yes.</p> <p>16 Q And below that it reads, "I am strongly</p> <p>17 encouraging all registered voters in Luzerne County to</p> <p>18 take advantage of the vote by mail option in light of</p> <p>19 the coronavirus pandemic."</p> <p>20 Do you see that?</p> <p>21 A I see that.</p> <p>22 Q So do you know if Luzerne County is</p> <p>23 encouraging voters to use the vote by mail option?</p> <p>24 A We will not be sending that type of</p> <p>25 communication out in Luzerne.</p>

NETWORK DEPOSITION SERVICES
Transcript of David Parsnik 30 (b) (6)

17 (Pages 62 to 65)

<p style="text-align: right;">Page 62</p> <p>1 Q With respect to Luzerne County's decision</p> <p>2 to use the drop off at the post offices, and drop box</p> <p>3 at the board election office, was there contemplation</p> <p>4 of utilizing other drop box locations?</p> <p>5 A We do not.</p> <p>6 Q Was there any discussion about doing so?</p> <p>7 A There was not.</p> <p>8 Q Was there a demand in your county from</p> <p>9 voters, to your knowledge, to add additional drop box</p> <p>10 locations?</p> <p>11 A We are adding no additional drop box</p> <p>12 location.</p> <p>13 Q Understood.</p> <p>14 So my question is was there demand in your</p> <p>15 county to add additional drop box locations?</p> <p>16 MR. MORAN: Object to form.</p> <p>17 A Not to my knowledge.</p> <p>18 Q Was that something that was taken into</p> <p>19 consideration in determining not to use additional</p> <p>20 drop box locations in the 2020 general election?</p> <p>21 A No. Our original plan for the drop box</p> <p>22 locations or collection sites, whatever you want to</p> <p>23 call them, worked well. And that is what we are doing</p> <p>24 in November.</p> <p>25 Q Could you repeat that answer? I didn't</p>	<p style="text-align: right;">Page 64</p> <p>1 A I guess I have to look at everything in</p> <p>2 that ruling to see if there would be additional ones.</p> <p>3 I don't -- that is as far as I could go with that.</p> <p>4 Q To the extent that your office has any</p> <p>5 questions regarding how to interpret any guidance from</p> <p>6 the Secretary of State, will it contact the Department</p> <p>7 to resolve those questions?</p> <p>8 MS. McGEE: Object to form.</p> <p>9 A Again, the county has the liaison that if</p> <p>10 you have questions or issues, you contact for</p> <p>11 guidance.</p> <p>12 Q Is that something your office has taken</p> <p>13 advantage of in the past?</p> <p>14 A Yes.</p> <p>15 Q With respect to the 2020 primary, are you</p> <p>16 aware of any votes being double counted?</p> <p>17 A We had no reports of that.</p> <p>18 Q Are you aware of any attempts by anyone to</p> <p>19 vote by mail by impersonating someone else?</p> <p>20 A We had no reports of that.</p> <p>21 Q Any reports of anyone attempting</p> <p>22 counterfeit mail-in ballots for the 2020 primary?</p> <p>23 A None.</p> <p>24 Q Are you confident Luzerne County has</p> <p>25 procedures in place to prevent double voting?</p>
<p style="text-align: right;">Page 63</p> <p>1 quite catch it.</p> <p>2 A Our drop box locations, election sites,</p> <p>3 whatever you want to call them, for the primary,</p> <p>4 worked well. And we are going to be utilizing the</p> <p>5 same processes for November.</p> <p>6 Q Has your office come up with any sort of</p> <p>7 prediction or estimate as to how many applications it</p> <p>8 expects to receive for mail-in ballots?</p> <p>9 A I do not know the number that we have</p> <p>10 received currently. I think I testified before, in</p> <p>11 the primary, in June we received 54,000.</p> <p>12 Q I understand.</p> <p>13 I am just wondering if your office came up</p> <p>14 with any estimate as to how many it expects to receive</p> <p>15 for the general election?</p> <p>16 A Estimate, I don't know that we came up with</p> <p>17 an estimate. I know that we have a count in SURE how</p> <p>18 many we processed. I just don't have that information</p> <p>19 in front of me today.</p> <p>20 Q I understand.</p> <p>21 Do you agree, sir, that if Luzerne County</p> <p>22 wanted to add additional drop box locations, it could</p> <p>23 do so under recent ruling from the Pennsylvania</p> <p>24 Supreme Court?</p> <p>25 MR. MORAN: Objection.</p>	<p style="text-align: right;">Page 65</p> <p>1 MS. McGEE: Object to form.</p> <p>2 Q I didn't get an answer.</p> <p>3 A I have the utmost confidence.</p> <p>4 Q Do you have confidence Luzerne County has</p> <p>5 procedures in place to ensure security of ballots</p> <p>6 submitted by mail through either the U.S. Postal</p> <p>7 Service or delivered to the post office counters or</p> <p>8 the lockbox you described?</p> <p>9 MS. McGEE: Object to form.</p> <p>10 A Yes.</p> <p>11 Q Are you aware of any group or organization</p> <p>12 attempting to collect mail-in or absentee ballots from</p> <p>13 voters in their 2020 Pennsylvania primary?</p> <p>14 A I am not.</p> <p>15 Q Are you aware of any group or organization</p> <p>16 planning to collect mail-in or absentee ballots from</p> <p>17 voters in the upcoming general election?</p> <p>18 MS. McGEE: Object to form.</p> <p>19 A I am not.</p> <p>20 Q With respect to poll watching, is it the</p> <p>21 intent of Luzerne County board of elections to follow</p> <p>22 any guidance from the Secretary of State regarding how</p> <p>23 to authorize poll watching during the 2020 general</p> <p>24 election?</p> <p>25 A Yes.</p>

NETWORK DEPOSITION SERVICES
Transcript of David Parsnik 30 (b) (6)

18 (Pages 66 to 69)

<p style="text-align: right;">Page 66</p> <p>1 Q And is it the county's intention to follow</p> <p>2 any guidance from the Secretary of State or the</p> <p>3 election laws with respect to ballot finish</p> <p>4 requirements?</p> <p>5 A Yes.</p> <p>6 Q In response to questions from counsel, you</p> <p>7 were -- you testified about the requirements that</p> <p>8 voters sign the declaration. I believe you referenced</p> <p>9 there being potential liability for doing so, for</p> <p>10 doing so falsely?</p> <p>11 MR. MORAN: Object to the form.</p> <p>12 A Yes.</p> <p>13 Q Let me withdraw and ask a better question.</p> <p>14 To your knowledge, is there a potential</p> <p>15 liability to a voter who falsely signs a declaration</p> <p>16 as part of a ballot in Pennsylvania?</p> <p>17 A Absolutely.</p> <p>18 Q And when you referenced the voter --</p> <p>19 withdrawn.</p> <p>20 What is the significance of that with</p> <p>21 respect to your confidence in -- withdrawn.</p> <p>22 One more time. In your testimony earlier,</p> <p>23 you referenced voter's purview. I want to make sure I</p> <p>24 understood what you meant by that.</p> <p>25 Were you referring to the risk that a voter</p>	<p style="text-align: right;">Page 68</p> <p>1 and November 6?</p> <p>2 A Yes.</p> <p>3 So what we would do with that, we would get</p> <p>4 them in that day, and we would look for the postmarks</p> <p>5 on that. And then they would be put into the file, if</p> <p>6 they meet the requirements. And then they would be</p> <p>7 scanned in the system as well.</p> <p>8 Q Fair to say they would be treated the same</p> <p>9 way as other mail-in ballots received by your office?</p> <p>10 A That's correct. And adjudicated in the</p> <p>11 same manner.</p> <p>12 Q With respect to poll watchers, when your</p> <p>13 office -- when the county receives application for</p> <p>14 individuals who want to serve as poll watchers, does</p> <p>15 it verify their residence in the county?</p> <p>16 A We do.</p> <p>17 Q And has the county been receiving poll</p> <p>18 watcher requests for the 2020 general election?</p> <p>19 A I do not know. I don't have knowledge of</p> <p>20 that yet. I am sure we have.</p> <p>21 Q And do you know whether your office</p> <p>22 received requests from individuals who were to serve</p> <p>23 as poll watchers outside the county?</p> <p>24 A I do not know.</p> <p>25 Q With respect to the 2020 primary, do you</p>
<p style="text-align: right;">Page 67</p> <p>1 runs with respect to criminal liability, if they</p> <p>2 submit a false declaration with their ballot?</p> <p>3 A Absolutely.</p> <p>4 Q Do you understand, generally, or can you</p> <p>5 describe generally what the implications of doing so</p> <p>6 are?</p> <p>7 A Implications of submitting a fraudulent</p> <p>8 ballot or application, or any part of the election</p> <p>9 process?</p> <p>10 Q Yes.</p> <p>11 A That will be investigated. If it is proven</p> <p>12 to be correct, you will be arrested.</p> <p>13 Q And during your tenure, has the county</p> <p>14 identified any voter attempting to fraudulently submit</p> <p>15 mail-in ballots?</p> <p>16 A Not to my knowledge since 2014, as far as I</p> <p>17 have been responsible for it.</p> <p>18 Q I think this might be my last question.</p> <p>19 You were describing the process for ballots received</p> <p>20 after 8:00 p.m. on Election Day. Do you recall</p> <p>21 testifying about that?</p> <p>22 A Yes.</p> <p>23 Q Does the county have a process in place for</p> <p>24 dealing with mail-in ballots that are postmarked by</p> <p>25 Election Day, but are received between Election Day</p>	<p style="text-align: right;">Page 69</p> <p>1 know if the county declined to issue poll watcher</p> <p>2 certifications for any poll watchers that requested</p> <p>3 for that service?</p> <p>4 A I know that the poll watchers fill out a</p> <p>5 form before they are issued the certificate. And if</p> <p>6 there is an issue, we bring it forward. But I do not</p> <p>7 know the answer to that.</p> <p>8 Q Thank you, Mr. Parsnik. I have nothing</p> <p>9 further. I appreciate your time.</p> <p>10 EXAMINATION</p> <p>11 BY MS. McGEE:</p> <p>12 Q I have one followup question, Mr. Parsnik.</p> <p>13 You identified there is a county liaison</p> <p>14 individual that you can contact. My question is</p> <p>15 to who is that person?</p> <p>16 A It is not a county liaison. It is a state</p> <p>17 liaison from the Department of State.</p> <p>18 Q For the counties to contact. Correct?</p> <p>19 A Correct.</p> <p>20 Q Who was that person?</p> <p>21 A Stephen Latanishen.</p> <p>22 Q That is all I have.</p> <p>23 Thank you.</p> <p>24 VIDEOGRAPHER: Hearing nothing further, we</p> <p>25 will now conclude the deposition.</p>

